

71.2008.085.64132

Abraham Lincoln's Important Cases

Fraim Murder Case

Excerpts from newspapers and other
sources

From the files of the
Lincoln Financial Foundation Collection

William Linn

222

The People

23

And the said Left Counsel answered the Court in arrest of judgment in this case for multiple law in real and torts.

3. There is no sufficient record in this cause to authorize
the Court to try the right, and therefore judgment against
him.

4- The record from the Schuyler Circuit Court is definitely and imperfectly certified.

5- The said record is otherwise informal, erroneous and insufficient.

6- The indictment is bad in this, that it does not show sufficient facts, viz: the conception whether the Sept was the murderer, or the murdered man.

9. The Indictment is bad, in the conclusion, in not showing that the murder was committed in the manner and by the means before stated in the Indictment

§ - The said Enactment is otherwise informal and insufficient -

For all which said reasons the said Sept moves the Court in arrest of judgment herein *Lincoln p. do.*

Ms. B. 1. 1. 1. 1. 1.

Peo vs. Fraim
Indictment

of the Lane Term of the Schuyler Circuit
Court in the Year of our Lord one
thousand eight hundred and thirty
Eight

State of Illinois ss
Schuyler County

The Grand
Jurors chosen, selected and sworn
in and for the County of Schuyler
in the Name and by the authority
of the people of the State of Illinois
upon their oaths present, That
William Fraim, labourer late of the
County of Schuyler and State of Illinois
aforesaid, not having the fear of God
before his eyes, but being moved and
seduced by the instigation of the Devil
on the seventeenth day of February
in the Year of our Lord one thousand
eight hundred and thirty Eight with
force and arms at and within the
County of Schuyler and State of Illinois
aforesaid, in and upon one William
Weatherhamer in the peace of the people
of the State of Illinois then good
them being feloniously, wilfully
unlawfully, and of his Malice
aforethought did make an assault,
and that the said William Fraim
with a certain knife, which he the
said William Fraim in his right
hand then and there had and held
the said William Weatherhamer in and
upon the left side of the breast of
him the said William Weatherhamer
then and there feloniously, wilfully

unlawfully and of his malice
aforethought did strike and thrust
giving to the said William Keethammer
then and there with the knife aforesaid
in and upon the said left side
of ~~the~~ breast of him the said William
Keethammer one mortal wound ^{one inch}
of the breadth of one inch and of
the depth of one inch and one
quarter of an inch, of which said
mortal wound the said William
Keethammer then and there instantly
died. And so the Jurors aforesaid
upon their oaths aforesaid in
the name and by the authority
aforesaid do say that the said
William Train the said William
Keethammer in manner and form
aforesaid, feloniously wilfully unlaw-
fully and of his malice aforethought
did kill and murder contrary
to the form of the Statute in such
case made and provided and
against the peace and dignity
of the said people of the State
of Illinois

J. W. Bryant
State Attorney

Filed June 6th 1838
Robert F. Glenn Esq.

Filed March 13th 1839
Wesley Mellicious Esq. Clerk
for 10th Mellicious Esq.

The People

vs

Murder

William Strain

A True bill

John H. Thompson
Attorney of the Court

Henry

W. Mitchell

John H. Thompson and Henry

John H. Thompson

Colonel James

Henry H. Thompson

John H. Thompson

John H. Thompson

Order For Trial
People vs. Fraim

In the Hancock Circuit Court April 2nd
1839. The People vs. William Fraim
Indictment for Murder

Be it remembered that upon the
arraignment of the prisoner the indictment
was read to him and he was asked what he
had to say where ^{the prisoner} answered that he
was not guilty and wanted a fair
trial and a just one - and at the same
time by his counsel tendered a written plea
of not guilty as appears of Record -
which the Court ordered to be filed
and the prisoner by his counsel asked
leave ^{of the Court} to withdraw the oral plea first
by him the said prisoner - inadvertently
pleaded - which leave the Court refused
to grant. The Prisoner then ^{chose} ~~refused~~ to
go into trial - until the prosecution
for the People should in some man-
ner reply to his the said Prisoners
written plea filed by leave of the
Court as aforesaid. Whereupon the
Court ordered a jury to be called and
decided that the prisoner should go
into a trial - his written plea
being unanswered - as the record will
show - to which opinion and
decision of the Court - The Prisoner
by his Counsel, excepts - ^{appears}
this his bill of exceptions to be signed
Healed - ^{which is accordingly done}

Attesty

James H. Ralston

Office
of the
William Starnie

March 27th April 1839
Wm. Starnie & Co.

James W. Starnie

Peo vs. Frain

Plea of Defendant

The people of the State of Illinois
vs
William Frain

Indictment for Murder
3 by the Hancock Circuit
2 Court, in Illinois - of the
1 April Term 1839 - brought in
by change of venue from
Schuyler Circuit Court -

Fielding Frain who is indicted herein, by the
name of William Frain, being in custody
defends and says that he is not guilty
of Murder in manner and form as charged
in said indictment and of this he
puts himself upon the country

Fielding Frain

People
as ^{many} plea
Mr. Honin

Titus Spier 2^d Dec 1832
W. Milliams Clerk
for W. H. Milliams & Co.

Peo vs. Fraim

Notice of Application For Change of Venue

J. L. Bryant Esq - Prosecuting
Attorney &c - Schuyler ct. court
Sir Take notice that
upon the calling of the case of
the people of the State of Illinois
vs

William Fraim

on an indictment for murder
The defendant will apply for
a change of venue on account
of the prejudice of the minds of
the inhabitants of Schuyler County
so that he cannot have
a fair trial

Nov. 7th 1838

Tracy - Attorney
for defendant

201

or

Frederick

Ames

March 1831

14 Nov
Ch

Stua. March 13th 1839

Wiley Mearns

in letter Mearns etc

Petition For Change of Venue

Your Petitioner, William
 Frame, humbly represents that he is
 defendand in an indictment for
 murder, now pending in said Court
 against him, that he fears that he
 will not receive a fair and impar-
 tial trial in said Circuit Court
 of the county of Schuyler in which
 the trial is pending, on account
 that the minds of the inhabitants
 of the said County of Schuyler
 wherein said trial is pending are
 prejudiced against him. He further
 represents that great pains have been
 taken to prejudice the minds of the
 inhabitants of the counties of Cass
 in Fulton and Ch. McDonough against
 your petitioner and that they are
 prejudiced against him.

Your petitioner further represents that he was not aware of the extent of the prejudice in the minds of the people of Schuylers county and that he could not have an impartial trial ^{in this court} on that account until very recently and since the ^{commencement} of this term of this court and that he ^{has not had the opportunity to take his counsel notice} therefore prays that a change of venue may be awarded to some county where the cause complained of does not exist that he

may be enabled to have a fair
and impartial trial

his
William x Fraime
mark

I William Fraime. being duly sworn
says on oath that the statements
and representations in the foregoing
petition are true

his
William x Fraime
mark

Subscribed and sworn
to in open court, this 7th
day of November 1838

Robert A. Glenn Clerk

The People

vs

Wm. Fraime

Officer of the

City of New York

Official of the

1838

Wm. Fraime

Given under 13th 1839

New York

for the Plaintiff

Pes vs. Frain

Order on Change of Venue

Preamble

Cases before the Honorable James
H. Ralston, Judge of the fifth judicial
Circuit of the State of Illinois, at a
Circuit Court in and for the County of
Schuyler began and held at the Court
House in Nashville, in said County
on Monday the fourth day of June
in the year of our Lord One thousand
Eight Hundred and thirty Eight -
And of the Independence of the United
States the sixty second

Present.

The Hon. James H. Ralston, Judge
J. L. Bryant Esq. State atty.
Robt. A. Glenn Clerk
J. B. McHatton, Sheriff &c.

The People of the State of Illinois, Plaintiff
versus
William Fraime defendant

Inquest for
Murder.

Be it remembered, that
afterwards, to wit, on the Seventh day of June
AD One thousand Eight hundred & thirty Eight at
the term of said Court continued and held, as
aforesaid, the following order was made in this
Cause, to wit:

Order of
Court

"This day came the People by
their State attorney, and the Sheriff was
ordered to bring the defendant into Court.
Which was accordingly done, Whereupon, the
said defendant, files an Affidavit and
enters a motion for a continuance which
motion is sustained by the Court, and the
Cause continued to the next term of
this Court. And the defendant
is remanded to the jail of the
County."

State of Illinois
Schuyler County

Preamble

~~~~~

Sh. Plea before the Honorable James  
H. Ralston, at a Circuit Court begun and  
held at the Court House in Rushville  
in and for the County of Schuyler  
and State of Illinois, on Monday the  
fifth day of November in the year of  
our Lord One thousand eight hundred  
and thirty eight. And of the Independ-  
ence of the United States the  
sixty third.

Present  
The Hon. James H. Ralston, judge  
R. L. Bryant Esq. St. atto  
R. H. Glenn clerk  
J. G. McRath, Sheriff

The People of the State of Illinois, plff.

versus

William (Straine), deft

~~~~~  
Indictment for Murder

Be it remembered.

that, afterwards, To wit. on the seventh day of
November, A.D. One thousand eight hundred and
thirty eight. At the term of said Court contin-
ued and held as aforesaid, the following order
was made of record in said cause, viz

" This day again came the plaintiff, Jay Henry
L. Bryant, State attorney, and the defendant
being brought to the bar, filed an affi-
davit and moved the court for a change
of venue in this cause, for reasons
set forth in said affidavit. And it
appearing to the Court that reasonable
previous notice had been given to the
State attorney, of the defendant's inten-
tion to make said motion and suffi-
cient to sustain the same, It is ordered
that a change of venue be awarded in

Order of
Court

~~~~~

the cause from the said County of Schuyler to  
the County of Hancock in the Judicial Circuit  
and that said cause be entered upon the docket  
of the Circuit Court of the said County  
of Hancock and set for trial at the  
ensuing term of said Court to be held  
at the Court-house in Carthage on the  
fourth Monday in the month of April  
next, in the year of our Lord one thou-  
sand Eight hundred and thirty nine, &  
that the Sheriff of the said County of  
Schuyler remove the body of the said  
William Fraime from the jail of the said  
County of Schuyler where he is now  
confined, to the jail of the said Coun-  
ty of Hancock, to which the venue in  
this cause is changed, and there de-  
liver him to the keeper of said jail  
together with a copy of this order  
not more than three days before the  
first day of the aforesaid day of the  
next term of the Circuit Court in and  
for said County of Hancock, and the  
said jailer is hereby required to re-  
ceive the body of the said William  
Fraime, and give to the said Sheriff  
of Schuyler County a receipt therefor  
and to take charge of the said prisoner  
in the same manner as though he had  
been originally committed to his custo-  
dy, until he shall be discharged by  
due course of law—  
And it is further ordered that the  
Clerk of this Court make out a full  
and complete transcript of the  
record and proceedings in this  
cause and certify the same

under the seal of the Court, and transmit the same to the Clerk, office of the circuit court in and for the said County of Hancock together with the Subpoena and all other papers filed in or appertaining to the Cause or forming any part of the record thereof, including the recognizance of ~~Hutchings~~ <sup>of the circuit court</sup>, and the Clerk of the said County of Hancock is hereby directed to file said papers, and docket said Cause at the ensuing term of said circuit court after which the same is to be prosecuted as if it had originated in said last mentioned circuit Court. And the said prisoner is ordered to be remanded to the prison from whence he came, to be dealt with thereafter as aforesaid -

Christian Longley and John Hay have in open court, acknowledged myself to owe and be indebted to the People of the State of Illinois in the sum of three hundred dollars each, to be levied of their goods and chattels, lands and tenements, and to be rendered as the law directs, if default be made in the conditions following - The condition of this recognizance is such that if the said Christian Longley and John Hay shall personally appear before the circuit Court in and for the said County of Hancock and State of Illinois, on the first day of the next term thereof, to be holden

at the Court house in Carthage  
on the first Monday in the month  
of April next - (1839) to give notice  
in behalf of the people of the  
state of Illinois against William Harrison  
on an indictment for murder, and  
that not appearing since last, with-  
out leave thereof, then this recog-  
nizance to be void, otherwise  
of effect.

State of Illinois. Schuyler County, Do Wit  
I, Robert A. Glenn clerk of the circuit court in  
and for said county, do hereby certify that the foregoing  
written paper contains a full and correct transcript  
from the records of said court in relation to the cause  
therein mentioned, and that the paper herewith trans-  
mitted are all the papers that have been filed  
in said cause.

In testimony whereof I have hereunto set  
my hand and affixed the seal of said  
court the 8<sup>th</sup> day of March A.D. 1839  
Robert A. Glenn. Clerk

People of the State of Illinois Plaintiff

William Frain

Defendant

Judgment for Murder

William Frain who stands indicted for the crime of Murder was led to the bar in custody of the Sheriff and was thereof arraigned and pled not Guilty. And for his trial put himself on God and his Country and the Attorney for the people likewise and the said Frain thereafter also filed his written plea of not guilty in the words and figures following to wit, and thereupon the said

defendant by his attorney moves the Court for leave to withdraw this oral plea and to go to trial upon the written plea which motion is overruled; to which opinion the defendant by his attorney excepts and prays that his bill of exceptions may be agreed and sealed and made part of this record whereof which is moving and in the words of the Court Book

Calvin S. Warren

Seal

Appeal

This day came the defendant by his attorney and entered his motion to dismiss the suit herein.

Same

Pliff

Appeal

Same

Seal

This day came the defendant by his attorney and entered his motion to dismiss the suit herein.

Same

Pliff

Appeal

Same

Seal

This day came the defendant by his attorney and entered his motion to dismiss the suit herein.

Same

Pliff

Appeal

Same

Seal

This day came the defendant by his attorney and entered his motion to dismiss the suit herein.

Same

Pliff

Appeal

Same

Seal

This day came the defendant by his attorney and entered his motion to dismiss the suit herein.

The People of the State of Illinois *vs* *Indictment for*  
William Train *sl* *Murder*

The Defendant  
William Train having been arraigned plead not guilty  
and issue having been taken upon said plea. It is  
ordered that a jury come here to try the issue  
joined, and thereupon came the jurors of a jury  
Louis John Le Hirubrough, Joseph Lionberger, John  
Huckins, Daniel A Wells, Andrew B. Molebr, James  
Welch, Nathan Mason, Moses Stevens, John D. Mellen,  
James M. Renshaw, Alfred Meads, and David Brant,  
who were elected, tried, and sworn the truth to speak  
upon the issue joined, and having heard the  
evidence, and arguments of counsel, upon their oaths  
do say that, we the jury find the Defendant guilty  
of murder as charged in the indictment: And  
thereupon the said Defendant by his attorney moves  
for an arrest of judgment on the verdict, which  
judgment is postponed until said motion is disposed  
of.

Ordered that Court adjourn till 9 o'clock  
Tomorrow morning

The People of the State of Illinois      Pliffs; Indictment  
vs      for  
William Fraim      3 Murder

This day the Prisoner William Fraim was again led to the bar in custody of the Coroner, and the motion made on yesterday in arrest of judgment being fully argued; and upon due consideration it is ordered by the Court that the said motion in arrest of Judgment be overruled. And it being demanded of the prisoner by the Court what he had or knew to urge in this behalf why judgment should not now be pronounced against him, and he said Defendant having nothing to urge, except what had been before urged in this behalf: It is therefore considered by the Court that the said William Fraim be hanged by the neck till he be dead: It is further Ordered by the Court that the Sheriff of the said County of Hancock do cause execution of this sentence to be done and performed upon the body of him the said William Fraim on Saturday the eighteenth day of May next between the hours of twelve o'clock meridian, and two o'clock Post meridian of said day on a gallows to be ~~here~~ erected within one mile of the town of Carthage in said County: It is further Ordered that the said William Fraim pay all the costs of this suit. And the said William Fraim is committed to the custody of the Sheriff of said County, to be by him kept in close confinement until this sentence is executed. It is further ordered that the Clerk of this Court make and certify a copy of this order and deliver the same to the Sheriff of said County which shall be sufficient authority in the hands of said Sheriff to carry into effect the foregoing Judgment. Ordered that Court adjourn till 9 o'clock tomorrow morning.

Verdict of The Jury  
Peo vs. Fraim

We the jurors find the defendant guilty  
of Murder as charged in the indictment

Verdict



## HISTORY OF HANCOCK COUNTY

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"At Dallas City: B. F. Newton.  
"At Hamilton: Thomas Ruggles."

### PRESENT-DAY ATTORNEYS

A list of the lawyers of Hancock County as published in the Bar Docket of the Circuit Court for the October Term, 1920, by the Clerk of the Circuit Court, is as follows:

Residing at Carthage, Charles J. Scofield, J. Paul Collier, Wm. H. Hartzell, Bert M. Cavanagh, Edward S. Martin, Apollon W. O'Harra, Clifton J. O'Harra, Roswell B. O'Harra, Earl W. Wood, Henry S. Walker, Orville F. Berry, Melvin P. Berry, David E. Mack, Edward C. Mack, William H. Hise, Edwin S. Coombs, Lino Cruise, Samuel Naylor, Charles S. DeHart, William A. Symonds, Clyde P. Johnson, James D. Baird, J. Arthur Haind, E. W. Duham, Lee Seeborn, Warren H. Orr, J. W. Williams, H. H. Williams.

Augusta: John A. Mead, Sterling P. Gemmon.

Warsaw: Truman Platts, Louie Lanet, Frank Hallower.

La Harpe: John H. Hingst, Clifford W. Warner.

Hamilton: Wallace G. Humphrey, O. C. McCartney.

Bass: William H. Damron.

Dallas City: O. C. Kirkpatrick.

Bowen: Charles Crossland (recently deceased).

West Point: James L. Miller.

Plymouth: S. S. Groves.

Lately there have been two additions to the bar of this county, Franklin M. Hartwell, son of Hon. William H. Hartwell, and Earl W. Bell, who read law with Scofield & Caffie.

### NOTABLE CIRCUIT COURT CASES

Trial and Execution of William (Fielding) Frain. (The only execution by judgment of court in this county.)

The papers filed in their case purporting to be signed by the defendant are signed by his mark, indicating that he was unable to write his name. For this reason there is confusion in the papers and records as to the orthography of the name, which is spelled sometimes "Frain," sometimes "Fraine," and sometimes "Fraime." While the defendant was indicted and

executed as William Frain, it is stated in the defendant's plea on file that his name was Fielding Frain.

The indictment against William Frain for murder was returned by the grand jury at the June term, 1838, of the Circuit Court of Schuyler County. This indictment which is that the defendant, "not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil," on February 17, 1838, assaulted William Neathammer with a knife, which he struck and thrust into the left side of the breast, the wound being a mortal wound from which the assaulted man instantly died. The indictment is signed, "H. I. Bryant, State's Attorney," and bears an indorsement as follows: "Filed June 6, 1838, Robt. A. Glenn, Clk." The indictment is also indorsed, "A true bill. Peter N. Holme, foreman of the grand jury." The names of the witnesses endorsed on the indictment are John Hammond Myers, John P. Fey, Christian Langer, Henry Welschede, Antony Messer, Joseph Hofman. Another file mark on the indictment relates to the case after it had been transferred by change of venue to the Circuit Court of Hancock County and is as follows: "Filed March 13, 1839, Wesley Williams, Clk., H. C. C. per S. Otho Williams, D. C."

The convening order for the June term of the Circuit Court of Schuyler County, in the year 1838, shows the following officers present: Hon. James H. Ralston, Judge; H. L. Bryant, State's Attorney; Robt. A. Glenn, Clerk; and J. G. McHatten, Sheriff. On June 7, 1838, a motion by defendant for a continuance was sustained and the defendant was remanded to jail.

On November 6, 1838, while the cause was pending in the Circuit Court of Schuyler County, Dickey, attorney for defendant, gave notice that he would apply for a change of venue "on account of the prejudice of the minds of the inhabitants of Schuyler County so that he (the defendant) can not have a fair trial." It is also stated in the petition that "great pains have been taken to prejudice the minds of the inhabitants of the counties of Cass, Fulton and McDonough against your petitioner and that they are prejudiced against him." The change of venue petitioned for was granted. Christian Langer and John Fey were recognized as witnesses for the people in the sum of \$500 each. A transcript of the record dated March 8, 1839, was transmitted to the clerk of the Circuit

Court of Hancock County and filed in the clerk's office as already stated, on March 13, 1839.

The record shows that the defendant had already pleaded not guilty, answering when the indictment was read to him, "that he was not guilty and wanted a fair trial and a just one." At the same time his counsel tendered a written plea of not guilty which the court ordered to be filed. The defendant by his counsel asked leave of the court to withdraw the oral plea, leave to do which was refused. The defendant objected to going to trial until the prosecution should in some manner reply to his written plea, but the court overruled the objection and decreed that the prisoner should go to trial and ordered a jury to be called for that purpose, to which opinion and decision the defendant excepted. The foregoing facts are shown by the bill of exceptions signed and sealed by the judge on April 23, 1839. Subpoenas were issued for the following witnesses for defendant: David Martin, Edward Buckley, Mary Miller and John Allen. David Martin was served with subpoena, but the others were not. Among the witnesses testifying for the people were John Peter Fey and Christian Langner, each of whom filed an affidavit for his fees, Fey giving his mileage as fifty-three miles and Langner giving his as fifty-nine.

The trial was a very brief one, having been commenced and concluded in one day, Monday, April 22, 1839. The Hon. James H. Ralston was the judge who presided at the trial.

At the time of this trial the old common law of England prevailed whereby a defendant in a case of this kind was not permitted to testify in his own behalf. It was also the law at that time that the jury had nothing to do with the punishment to be inflicted under a verdict of guilty of murder, but the law prescribed capital punishment in every case, and the judgment of the court upon a verdict of guilty determined the time and place of the execution.

The verdict of the jury was as follows: "We, the jury, find the defendant guilty of murder as charged in the indictment." The paper on which this verdict is written is marked "verdict," it is not signed or marked "filed." Signing was not necessary if the verdict was pronounced in open court and filing of this paper was not necessary if the records show that the verdict was rendered by the jury.

The names of the jurors were as follows: John C. Kimbrough, Joseph Lionberger, John

Hockens, Daniel H. Wells, Andrew B. Welch, James Welch, Nathan Mason, Moses Stevens, John D. Melten, James M. Renshaw, Alfred Mead and David Brank.

At this point in the proceedings the name of Abraham Lincoln, afterwards the great-war president, appears in a motion in arrest of judgment signed "Lincoln, p. d.," that is, Lincoln pro (or for) defendant, which motion was filed on April 25, 1839. Doubtless Mr. Lincoln took part in the trial, although this is his first appearance by name in the papers.

A copy of the motion in arrest of judgment, evidently in Lincoln's handwriting, is among the files of the case in the office of the clerk of the Circuit Court of this county. This motion is clear in statement, correct in orthography and composition, and shows Mr. Lincoln, who was thirty years of age at that time, to have been well qualified for the preparation of such legal documents. This writing was carried away from the courthouse at one time and used in a distant part of the county as a specimen of Mr. Lincoln's handwriting, but it was afterwards returned to the files in our circuit clerk's office upon application of the clerk therefor after he had learned the name of the unlawful custodian of the document.

This motion in arrest of judgment was as follows:

"William Fraim }  
                  } Indictment for Murder.  
                  }  
                  } The People

And the said Deft. comes and moves the court in arrest of judgment in this case for the following reasons, to-wit:

1-The Record in this cause does not sufficiently show that an indictment was found by a grand jury of the country against the Defendant Fraim.

2-The Record in this cause does not show that a grand jury was empanelled (an authorized spelling) at the Term of the Court at which the indictment purports to have been found.

3-There is no sufficient record in this cause to authorize the Court to try the Deft. and pronounce judgment upon him.

4-The record from the Schuyler Circuit Court is defectively and imperfectly certified.

5-The said record is otherwise informal, erroneous and insufficient.

6-The indictment is bad in this, that it

does not show with sufficient certainty, in the conclusion, whether the Deft. was the murderer, or the murdered man.

7—The indictment is bad, in the conclusion, in not showing that the murder was committed in the manner and by the means before stated in the indictment.

8—The said indictment is otherwise informal and insufficient.

For all which said reasons the said Deft. moves the Court in arrest of judgment herein.  
Lincoln, p. d."

The judgment of the court disposing of the motion in arrest and sentencing the defendant to be hanged, which was rendered on Thursday, April 25th, is as follows:

"This day the prisoner William Fraim was again led to the bar in the custody of the coroner, and the motion made on yesterday in arrest of judgment being fully argued, and upon due consideration, it is ordered by the court that the said motion in arrest of judgment be overruled. And it being demanded of the prisoner by the court what he had or knew to urge in this behalf why judgment should not now be pronounced against him, and the said defendant having nothing to urge except what had been before urged in this behalf: It is therefore considered by the Court that the said William Fraim be hanged by the neck till he be dead. It is further ordered by the Court that the Sheriff of the said County of Hancock do cause execution of this sentence to be done and performed upon the body of him the said William Fraim on Saturday the eighteenth day of May next between the hours of twelve o'clock Meridian, and two o'clock Post Meridian of said day on a gallows to be erected within one mile of the Town of Carthage in said County. It is further ordered that the said William Fraim pay all the costs of this suit. And the said William Fraim is committed to the custody of the Sheriff of said County, to be by him kept in close confinement until the sentence is executed. It is further ordered that the Clerk of this Court make and certify a copy of this order and deliver the same to the sheriff of said County, which shall be sufficient authority in the hands of said Sheriff to carry into effect the foregoing judgment."

This case was not taken to the Supreme Court. The defendant was executed pursuant to the sentence of the circuit court.

The execution of this unfortunate man occurred eighty-one years ago, and there are few persons now living who have any personal recollection of the facts. It is well known, however, that the execution was in a field south east of Carthage, was public, and was attended by a large crowd of people from all parts of the county and even from adjoining counties. It is said that some of these spectators brought their families and their dinner and made a sort of picnic of the occasion. Not only were adults present, but young boys and girls, and even little children. One of our well-known Carthage citizens, then a mere child, was present, and has some recollection of the occurrence, and especially of the fact that the prisoner made some remarks of warning to others just prior to his execution. Since that day, the great evil of public executions has been corrected by a statute requiring these executions to be conducted privately, with only a few witnesses in attendance. The deterrent effect of such a public spectacle is more than counterbalanced by the evils resulting from the unspeakable curiosity of many people to behold a tragedy involving the sufferings of a human being.

Additional matters in connection with this case are shown by the records of the County Commissioners Court, and are here given as they appear in those records.

"It is ordered that the following persons be allowed the following sums on the certificates of the Coroner for guarding Fraim, a prisoner from Schuyler County:

|                      |               |         |
|----------------------|---------------|---------|
| Thomas S. Kimbrough, | seven dollars | \$7.00  |
| Wm. P. McClure,      | seven dollars | \$7.00  |
| George W. Silgall,   | seven dollars | \$7.00  |
| It. Breedlove,       | three dollars | \$3.00  |
| David Hettisworth,   | three dollars | \$3.00" |

"It is ordered that the following persons be allowed the following sums on the certificate of the Sheriff for guarding Fraim, a prisoner from Schuyler County:

|                      |                |          |
|----------------------|----------------|----------|
| Thomas S. Kimbrough, | twenty dollars | \$20.00  |
| Wm. P. McClure,      | twenty dollars | \$20.00  |
| David Hettisworth,   | twenty dollars | \$20.00  |
| Nathan Mason,        | twenty dollars | \$20.00" |

"It is ordered that Edmund G. Haggard be allowed the sum of sixty-one dollars and eleven cents—forty-three dollars and twenty-four cents

## HISTORY OF HANCOCK COUNTY

of which was for charges for sundries for the exclusive use of Frame, a prisoner from Schuyler County, and eleven dollars and eighty-seven cents for said Frame's comfort and safe keeping."

"It is ordered that Edmund O. Haggard, Sheriff, be allowed the sum of twenty-five dollars for guarding prisoner Frame."

"It is ordered that George W. Thatcher be allowed the sum of six dollars for guarding Frame, a prisoner from Schuyler County."

"It is ordered that S. Thompson be allowed the sum of two dollars, the same being for A. Cleveland's services in guarding Frame, a prisoner from Schuyler County."

"It is ordered that Nathan Mason be allowed two dollars for guarding Frame, a prisoner from Schuyler County, on the certificate of the coroner—2 days."

"It is ordered that the clerk of this court certify to the County Commissioners' Court of Schuyler County the various amounts allowed to the several persons for their claims for guarding and supporting (and other charges up to the execution and burial) William Frame, a prisoner from said county of Schuyler."

The following account of the execution of William (Fielding) Fraim was written by Mrs. Endocia Baldwin Marsh, and published by THE HOWARD-SERVALANT COMPANY of Chicago, Illinois, in No. 2 of Vol. 2 of Social Progress and is published here by the courteous permission of that company.

Mrs. Marsh died recently at her home in Warsaw. She was the wife of Judge John W. Marsh, a well-known attorney of Hancock County, and at one time Judge of the county court of this county. When Fraim was executed, Mrs. Marsh was but a little girl, and her account is based, in part, upon her recollection of what occurred, and is erroneous in a few particulars, but is essentially correct and very interesting. The brick courthouse referred to by Mrs. Marsh was built in 1867-8, instead of 1864 as Mrs. Marsh has it, and was first used as a courthouse at the April term of the Circuit Court, 1868, at which term Fraim was tried. The prisoner was indicted by the name of William Fraim, and died a written plea in the case in which his name is given as Fielding Fraim. Mrs. Marsh refers to him as Charlie Fraim. It may be that Charlie was a pet name for the young man, or that the school children called him by that name, and this may be the reason

why Mrs. Marsh speaks of him as Charlie Fraim. The trial occurred in April instead of May, as the records show, and sentence of death was pronounced on April 25th, and was carried into effect on May 13th, and not two or three months afterwards. With these exceptions the article of Mrs. Marsh is to be accepted as history. As explanatory of certain statements made in Mrs. Marsh's article, it may be stated that the juryroom in the southwest corner of the new courthouse, in which the prisoner was confined, was in the second story, and on the same floor as the courtroom, and was connected therewith by a door. The log schoolhouse referred to as almost directly opposite the room in which the prisoner was confined, was the old log courthouse, no longer needed for a courthouse, and then used, as it had been theretofore at certain times, for school purposes. While the prisoner was constantly under guard by the sheriff or his deputy, this was not always by the sheriff or deputy in person, but by one or more of the guards employed for that purpose, whose names appear in the orders of the County Commissioners' Court above set forth.)

"In 1854 a new brick courthouse was built in the center of the public square at Onondaga. Soon after its completion a prisoner, Charlie Fraim, charged with murder, was brought from an adjoining county on a charge of venue to Onondaga to stand his trial. This took place in May, and he was found guilty and sentenced to be hanged, as I remember, two or three months later. The jail was not yet built, so the condemned murderer was confined in the new courthouse, in the southwest jury room. This was almost directly opposite our log schoolhouse. Always at recess, and at the noon hour, when we were at play, Charlie sat at the window and watched us. We would go near, fascinated by the thought of the awful doom awaiting him. He frequently talked with us, always in a friendly, cheerful way. He was full of granks and would sometimes tempt the boys to come under his window by throwing out nuts, candy or fruit. When they stooped to pick them up, he would throw out a cup of water. This practical joking always kept the girls too timid to try to get any of the dainties.

"Charlie was fettered by a chain about his ankles, fastened to a large iron ball, which made a noise like thunder whenever he walked about the large, bay-windowed room. He was never alone, for either the sheriff or his deputy was

always in the room. They treated him with great kindness and leniency, however, for he was a pleasant and engaging boy, a red-headed Irishman, only twenty-one years old. He was full of the fun of his race, and continually teased his jailers and joked with them. It was under the influence of liquor that he had given way to anger and committed the crime for which he was required to forfeit his life.

"On the day of the execution, long before sunrise, we heard the rumble of heavy farm wagons rolling into town from all directions. By sunrise the little town was thronged with men, women and children, afoot, on horseback and in wagons. Some came fifty miles, a few even a hundred, to witness the gruesome sight. School dismissed for the day. At our home the morning hours dragged slowly by. Everyone was too wrought up to work according to the usual ritual; Anne said she felt choked. In order, I suppose, to relieve the nervous excitement, the teacher, who was boarding at our house at the time,—Mr. French of the uncertain temper—proposed that we have some music. Lowell Mason's 'Book of Sacred Music' was brought out, and we all joined in singing a number of hymns. Among others, we sang 'Arie!—Oh, could I sing the matchless worth! Our voices rose high and sweet, blending melodiously with the tones of the flute. The rhythm of the stately music, and the ecstatic nature of the words almost lifted me out of myself.

I'd soar to touch the heavenly strings  
And vie with Gabriel while he sings  
In notes almost divine.

Well, the delightful day will come  
When my dear Lord will bring me home.

I wondered if, after they had taken poor Charlie Frame's life, he too would 'soar' and call this a 'delightful day.' It was quite sure my baby brother and Sister Alice were in that 'home,' but I did not know whether poor Charlie's kindness to us children would make him good enough to be taken to be with them.

"After dinner, Father and my brothers saddled horses and made ready to go. I asked them to take me, but they all said, 'Do you suppose we'd take a girl to a hanging? No, sir;—you stay at home with Mother like a good girl.' However, soon after they left, Mother, Anne and Mr. French decided to walk into town. To comfort me, they took me along.

Mother and I went to call on a friend living on the north side of the square, and Anne and Mr. French went on a hick or two farther to see some other friends.

"While Mother and her friend talked I strolled out on the deserted street. Presently a man who frequently came to our house on business drove by. Seeing me alone, he stopped his horse and asked, 'Sis, would you like to ride out and see the hanging?'

"'Why, yes,' I hesitated. 'Would you take me?'

"'Of course,' he replied. 'Jump in.'

"Before I had time to think of what I was doing, he had taken me by the hand, lifted me to a seat by his side and was driving rapidly on the well-beaten way. The place of execution was less than a mile away, southeast of town, and we soon reached the edge of the crowd. From there, by slow degrees, he edged his light buggy through the press of people and the jam of vehicles, to the very heart of it all, to the pitious spectacle that had drawn together the vast throng. Fortunately for my peace of mind, we were only in time to see a perfectly still figure, whose face was covered by a black cap, and whose body was attired in a blue jacket and white trousers. For, at one time in his short life, poor Charlie had been a sailor. What a sight to take a seven-year-old girl to see! But in justice to my escort, I must say that he was an ex-sheriff and probably so feared to executions that he considered it no harm to gratify a child's curiosity.

"We remained but a moment, then again forced a way through the throng. Driving rapidly back to town, my companion set me down where he had found me, and I went timidly into the house. My absence had not been noted; Mother and her friend were still talking. Neither Father nor my brothers had seen me, so no one knew of my escapade. But I was unhappy, weighed down by the remembrance of poor Charlie's limp body and ashamed that I had gone without Mother's consent. After a time the burden grew too heavy to bear, so I told Mother the whole story. Much to my surprise, she was less vexed with me than with the man who took me. She was so shocked and grieved that my childish eyes should have looked upon such a sight that I assured her over and over again that 'I would never do it again'—a promise that has never proved difficult to keep.

"Some years after, Dick told me that the gallows was erected in a natural amphitheater, that all corners might view the spectacle. The prisoner, in the course of a short speech, spoke directly to the women present, telling them that if they would stay at home more and attend to the welfare of their households, there would be less crime and trouble in the world. Just as the black cap was about to be adjusted, he held up his hand, and took one long, lingering look at the breathless throng, the small fields, and the distant horizon. Then, lifting his eyes to the blue sky and stretching out his arms, he cried, 'Oh, eternity, eternity, I dread thee!'"

THE KILLING OF DR. SAMUEL MARSHALL, COUNTY CLERK, BY GENERAL MINES R. DEMING, SHERIFF (June 24, 1845, at the Court-house.)

The account of this homicide is thus given in Mr. Greog's History:

"On Tuesday, June 24, 1845, an altercation occurred between Dr. Samuel Marshall, county clerk, and the sheriff of the county, General Deming, which resulted in the death of the former at the hands of the latter. The difficulty arose in regard to some mistake in official business. Doctor Marshall was a very exact and punctual man in all his affairs and he expected others to be equally so, and the General's apparent carelessness in the matter in dispute irritated him. A scuffle ensued, in the midst of which General Deming drew a pistol and shot his antagonist. The affair was a very unfortunate one, as it resulted in the death of a most estimable citizen and public officer, and added to the excitement already existing in the county. (This excitement related to the Mormon difficulties, and particularly the recent trial and acquittal of men indicted for the murder of Joseph Smith.) A little self-control and moderation on the part of both, and the conflict might have been avoided. Doctor Marshall was a strong Anti-Mormon in his feelings and principles, and had the full confidence of the party; yet he resolutely refused to sanction any of their unlawful proceedings. He was one of that small number who believed it better to suffer all the ills of Mormonism, rather than resort to illegal and violent measures for redress.

"General Deming was at once taken into custody by the coroner, and a jury of inquest summoned. The jury returned a verdict of 'Murder without sufficient cause or provocation.' This

occurred on the day set for the special term of court for the trial of the persons charged with the murder of Hyrum Smith. The court opened about five in the afternoon, and two hours after the tragically Deming was brought into court, and stated that he was desirous to have a grand jury impaneled for the investigation of this case. The court ordered the coroner to summon a grand jury by the next morning. The accused then inquired if there was no process by which he might be admitted to bail during the pendency of the investigation, to which the court gave a negative answer. On Wednesday morning a jury was impaneled, and charged by the court, and at three in the afternoon brought into court a bill for murder, with counts for manslaughter. It was stated that the vote stood in the jury room sixteen to three.

"A motion was made by Deming's counsel to admit him to bail, and, after hearing, he was admitted to bail in the sum of \$5,000. Bail was given and he was discharged from custody.

"Mr. Deming resigned the office of sheriff, and an election was ordered to fill the vacancy, to take place August 11th, resulting in the election of J. B. Backenstos by the following vote: Backenstos, 2,334; John Scott, 750; scattering, 11.

"Mr. Deming was never brought to trial. He was stricken with congestive fever, no doubt brought on or aggravated by excitement, and died on the 10th of September, and was buried in Quincy by his brother's side."

THE ISAAC B. RITTER TRAGEDY (June 29, 1863.)

The persons involved in this tragic event were Isaac B. Ritter, Armstead M. Ossman, Robert Ingraham, John Sample, and the witnesses who pursued Ritter, sometimes called the "posse," and sometimes the "mob." Isaac B. Ritter died on June 29, 1863, aged thirty-two years, and was buried, first, in Barnes' Cemetery northwest of Carthage, and was after reinterred in the old Carthage Cemetery in the southeast part of the city.

Armstead M. Ossman was a Kentuckian, who had been in partnership with Jesse O. Williams in merchandising, in Carthage, and was in that business when he was shot by Mr. Ritter. Mr. Ossman died on July 9, 1863, at the age of a little less than thirty-five years. (The name has been variously spelled, "Osmon," "Ossmon," and "Osmen," but his name, as he wrote it him-

# ABRAHAM LINCOLN DEFENDED SLAYER IN THIS COUNTY

LOST CASE OF ONLY MAN  
EVER HANGED IN HAN-  
COCK COUNTY

While Maurice Wells was checking records in the Schuyler county court house at Rushville recently an interesting discovery was made in going over legal documents, some of which had been filed more than a century ago. He came across a record of the Fielding Frame murder case, which was originally filed in Schuyler county in 1838, and taken to Hancock county on a change of venue. Abraham Lincoln was one of the attorneys.

Mr. Wells tried to make a complete inspection of the papers in this case, but he was too late, for they were not there. Evidently years ago these files had been rifled, as all that remained of the case papers, was the folder in which they had been filed, and the original warrant.

All the other papers, which no doubt carried the signature of Abraham Lincoln, had been stolen from the court house.

The murder was committed in Schuyler county, in a saloon, in the village of Frederick, on the Illinois river. The indictment read: "The People vs. William Frame," but he gave his name as Fielding Frame. He was a deckhand on the steamer "Hero," plying on the Illinois river. The indictment was found at the June term, 1838, in Schuyler county. The murdered man was William Neathaumer. Henry L. Bryant, of Fulton county, was prosecuting attorney; J. H. Ralston, judge; M. Dickey, attorney for defense, assisted by Abraham Lincoln. Mr. Lincoln moved an arrest of judgment for several causes, the paper being now on file among the others in the case at Carthage, in Mr. Lincoln's own handwriting.

Frame was found guilty on the 24th, after trial, at the April term, 1839, and sentenced on the 25th by Judge Ralston, to be hanged on Saturday, May 18, between the hours of 12 (noon) and 2 o'clock in the afternoon, on a gallows erected in a ravine a mile southeast of Carthage. The hanging took place with several hundred spectators lining the sides of the ravine.

It was the first and only execution that has ever taken place in Hancock county although there have been several murders in the county in which hanging would have been even more justified than in the case from Schuyler county.

Abraham Lincoln made several speeches in Hancock county during his political career and on a trip to the county at one time paid a visit to relatives, the Lincolns, at Fountain Green. It is claimed that he was a visitor in Nauvoo at one time. We have no authentic information except the statement to that effect of Capt. J. W. Campbell, of Fort Madison, prominent pioneer, in an article which was published in The Independent many years ago.

# Timely Letter Letter About Lincoln File In County

7/6/1933

## Believes Effort Should Be Made To Check Documents

Spokane and Eastern  
Branch of Seattle First Nat'l Bank  
Spokane 10, Washington  
July 6, 1933

The Carthage Republican  
Carthage, Illinois

Dear Sirs:

In your issue of June 3, 1933, there is a most interesting article, "Abraham Lincoln May Have Practiced Law in 'This County Long Ago.'" The writer tells of the famous Fraim murder case which came to Hancock County on a change of venue from Schuyler County, and states that the year was 1838 or 1839 and that the documents in the case are file No. 1 of Hancock County, and are in longhand and include a motion to Quash, setting forth eight separate reasons why the indictment should be set aside, and is signed "A. Lincoln".

It should be interesting to determine if possible whether the motion is really in Lincoln's handwriting and whether the signature is that of Lincoln, and a study and comparison made with other documents, letters and papers of about the same years should be made. This was two years after Lincoln was officially admitted to the Bar to practice law, the date of which is given as March 24, 1836 in Frederick Trevor Hill's book, "Lincoln The Lawyer".

Such search as I have made on the works on Lincoln available in libraries here show no reference to the Fraim case other than in the book just mentioned where at Chapter 21, page 235; the author says,

"There has long been a tradition in the old Eighth Illinois Circuit that he once defended a murderer who was convicted, sentenced, and hanged; but as capital cases resulting in conviction are almost invariably appealed to the highest tribunal, and as the Supreme Court reports do not record any murder case with which he was associated, the rumor has been supposed to be without foundation. There is, however, a paper in Lincoln's handwriting on file in Hancock County, showing that he was associated with the defence of one William Fraim, who was tried and convicted April 23rd 1839, for the murder of a man named William Reardon, and subsequently hanged May 18th of the same year, and this is doubtless the historic, unrecorded cause of circuit memory," and in a footnote, the source of the statement is given as follows:

"The writer is indebted to the

courtesy of Mr. Thos. F. Dunn, Ex-Circuit Court Clerk of Hancock County, for these facts and the opportunity of examining the original papers connected therewith."

The famous Lincoln library at Fort Wayne, Indiana, known as the Lincoln National Life Foundation, is in charge of Dr. Lewis A. Warren, noted Lincoln scholar and authority who writes me that he can not give any information other than the book mentioned by Frederick Trevor Hill, but suggested that Mr. Harry Pratt, State Historian of Illinois, might be able to tell whether the papers are authentic. In answer to a letter I wrote Mr. Pratt, he writes me as follows under date of June 25,

"Dear Mr. Ferris:

I went through the papers of the People V. Wm. Fraim in the Hancock County Court some years ago and copied much of the data. It did come, as you say, from Schuyler to Hancock on change of venue. The case came up on April 23, 1839. Lincoln and T. Lyle Dickey (atty. of Rushville, later well known judge of Ottawa, Ill.) defend Fraim for the murder of Wm. Neathammer on Feb. 17, 1838. Fraim, aged 20, employed on the Ill. River Steamer, Hero, stabbed a fellow laborer in a drunken brawl at Frederick. Jury brings in a verdict of guilty. Lincoln files a motion for arrest of judgment.

On Thursday, April 25, Lincoln's motion is argued before Judge James H. Ralston. Ralston overrules it and sentences Fraim to be hanged on May 18 within a mile of Carthage, and the sentence is carried out. Lincoln may have gone to visit his relatives in the Fountain Green neighborhood. He met Dr. Felix Regnier on the road between Rushville and Beardstown, Works I, 95.

Sincerely,

Harry E. Pratt."

When I was a boy growing up in Carthage, my father, Hiram G. Ferris, who was a member of the Bar of Hancock County and who, while a Douglas supporter, knew Lincoln; on one occasion took me to the old courthouse and showed me the famous Fraim papers, and I know that he and I believe other early-day lawyers and county and court officials generally believed they were in Lincoln's handwriting and signed by him.

Strange as it may seem, my last sight of these historic documents was here in Spokane when shortly after I came here to live in 1908, the manager of the Union Trust Company of Spokane with which I was connected as a department manager, to my amazement and surprise one day called me to his desk and produced the Fraim file from his desk drawer and said it had been given him while on a recent visit to Carthage, Illinois on

a business trip, and that as a Lincoln admiral and student, he was proud to have the papers.

Realizing the historic value of the documents and that they should be returned and preserved in Carthage, several of us here from Hancock County, including my brother, Hiram Burns Ferris and Frank H. Graves, a prominent attorney who practiced law in Carthage in 1882 and 1883, brought about with the assistance of the Honorable A. W. O'Hara of Carthage the return of the file to the County Clerk's office in Carthage.

It should be of interest to the students of early history in Illinois and of Hancock County to have a study made of the Fraim case documents, the writing and signature studied and their authenticity passed upon by experts.

In the Pacific Northwest country and on the entire Pacific coast there is a great awakening to the importance of recording and of preserving the early records, files, papers, and so forth. My activity and interest include the presidency of our Eastern Washington State Historical Society where in our own building we are accumulating much early-day history material. Also, as a member of the Oregon, Montana and California Historical Societies, I see the similar valuable work being done and I serve on the Council of the Friends of the Bancroft Library at the University of California where the greatest collection of western history material is to be found. So I hope Hancock County has a real historical society and is collecting and safeguarding its valuable early records. Few counties and few communities have such a record of interesting romantic history as Hancock and as Carthage.

For over fifty years the Republican has kept me in touch with the old home town and my memory often turns back the pages to the Carthage 1 knew—to the Gospel Four Corners and to the many interesting and fine families living in the old home town.

Respectfully,

Joel E. Ferris.

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**SPOKANE AND EASTERN**  
BRANCH OF SEATTLE - FIRST NATIONAL BANK  
SPOKANE ID, WASHINGTON

July 19, 1956

JOEL E. FERRIS  
CHAIRMAN

Dr. E. Gerald McMurtry  
c/o Lincoln Lore  
Fort Wayne, Indiana

Dear Dr. McMurtry:

For several years I have enjoyed receiving Lincoln Lore and on two or more occasions Dr. Warren visited Spokane and made most interesting addresses. I wish to congratulate you on the honor of succeeding him as editor of Lincoln Lore and also, through you, to wish Dr. Warren health and enjoyment in his retirement and continued connection with the wonderful work of the Lincoln Foundation.

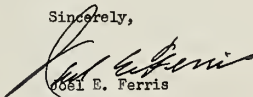
At one time I suggested in a letter, I believe, that the Foundation might to advantage make a thorough study of the records in the Frain murder case tried in Hancock County, Illinois, 8th Illinois Circuit, in connection with which the pleadings and records are supposed to be in Lincoln's handwriting and his name is signed to the same. In a book which you have, I know, Lincoln the Lawyer, published by the Century Company, reference is made to this case on pages 235 and 236.

On several occasions people in Hancock County, through the newspapers and otherwise, have raised the question as to the authenticity of these papers being in Lincoln's handwriting. It happens that my birth-place was Carthage, the County seat of Hancock County, and as a boy I saw these papers in the old stone court house and through my efforts they were returned to the county after having been carried off at one time and brought to Spokane by a local abstractor who visited Carthage.

If such a study can be made it should make an interesting bulletin.

Wishing you success.

Sincerely,



JOEL E. Ferris

JEF:JM

July 23, 1956

Mr. Joel E. Ferris  
Spokane and Eastern  
Branch of Seattle - First National Bank  
Spokane 10, Washington

Dear Mr. Ferris:

I was glad to have your letter of July 19 and I appreciate very much the good wishes which you have extended to me in my new work as the Director of The Lincoln National Life Foundation. I will also bring to Dr. Warren's attention your greetings addressed to him.

Many thanks for calling to my attention the Prain murder case tried in Hancock County, Illinois in which Lincoln was one of the counsel in the court proceedings. I will look into this case and see what I can develop in the way of an article. Of course, my success in developing an article will depend largely on whether or not I can find ample information in our files.

Thanking you again for your letter I remain

Yours sincerely,

RGH:WC

Director



SPOKANE AND EASTERN  
BRANCH OF SEATTLE FIRST NATIONAL BANK  
SPOKANE 10, WASHINGTON

JOEL E. FERRIS  
CHAIRMAN

September 9, 1958

Mr. R. Gerald McMurtry, Director  
The Lincoln National Life Foundation  
Fort Wayne, Indiana

Dear Mr. McMurtry:

I appreciate very much your letter of September 3 with reference to Lincoln's relationship to General Pickett, and, in particular, your courtesy in sending me photostats of the folder telling of an address and quoting Mrs. Pickett's statements. I have not reviewed the various Lincoln articles on this subject, but will do so for I plan to prepare an article on the life of Pickett.

While writing you it occurs to me that you may be interested in some correspondence I had a few years ago with Dr. Warren, your predecessor, on the subject of Lincoln's participation in a murder case known as the "Fraim Case" in Hancock County, Illinois, the County Seat of which was Carthage and which was my birthplace.

From time to time there have been references made to the "Fraim Case" and the question has been raised as to whether the signature on the pleadings in the files in Carthage, Illinois, is a genuine Lincoln signature. An interesting feature in connection with these papers was their disappearance from Carthage and the fact that I discovered them, or learned that they had been brought to Spokane by the manager of the small trust company where I first worked when I came to this city in 1908, and through my efforts and those of my brother and brother-in-law, they were returned to the Clerk's Office in Carthage. I find in my files a copy of the letter which I wrote to the Carthage Republican, a newspaper which has since been merged with the Carthage Journal, and I am enclosing a copy of this letter. I do think it would be interesting to have an investigation and study made of the "Fraim Case."

My interest, also, in Lincoln History is due to the fact that one Branch of the Lincoln family which contained an Abraham Lincoln settled in Hancock County. Dr. Warren sent me your Bulletins No. 12 and 38 which give some information on this subject. I remember the little Lincoln Cemetery near Fountain Green, Hancock County, where the Lincoln family who were Catholics were buried.

Mr. R. Gerald McMurtry

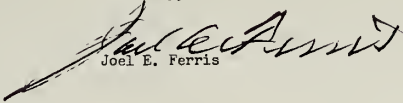
-2-

9/9/58

Again thanking you and if you do make any effort on the "Fraim Case", it will interest me.

Sincerely,

JEF:NP  
Enclosure



Joel E. Ferris

September 12, 1958

County Court Clerk  
Hancock County  
Carthage, Illinois

Dear Sir:

I am interested in doing an article on the famous Freim murder case which came to Hancock County on a change of Venue from Schuyler County in which Abraham Lincoln represented the defendant.

The trial was held on April 23, 1839, at which time Lincoln and T. Lyle Dickey defended Wm. Freim for the murder of Wm. Neathhammer on February 17, 1838. Freim aged 20, employed on the steamer Hero, stabbed a fellow laborer in a drunken brawl at Frederick. The jury brought in a verdict of guilty. Lincoln filed a motion for arrest of judgment. Judge Ralston overruled Lincoln's motion and sentenced Freim to be hanged on May 18th.

I have heard that the papers pertaining to this case are found in File No. 7 of Hancock County. Included is the motion to quash, setting forth eight separate reasons why the indictment should be set aside and signed by A. Lincoln.

I will be glad to pay the cost of duplicating or photostating these papers. I want a facsimile copy in order to study the handwriting. Will you be so kind to provide me with a copy of the papers?

I sincerely hope you can help me in this matter.

Yours sincerely,

R. Gerald McMurtry

RGM:hw

P.S. Please find enclosed a stamped, self-addressed envelope.

September 12, 1958

Mr. Joel E. Ferris  
Spokane and Eastern  
Branch of Seattle - First National Bank  
Spokane 10, Washington

Dear Mr. Ferris:

I was glad to have your letter of September 9th relative to the Fraim murder case in Hancock County, Illinois, in 1839.

Please note the enclosed letter I have written to the county court clerk of Hancock County relative to securing photostats of the original papers.

If these papers are available I will do the story for Lincoln Lore. I am very much interested in this project. If the county court clerk fails to assist me, perhaps, you can help me secure the photostats from some other source.

On July 19, 1956 you wrote me about the Fraim case, and I have kept your letter in my file labeled "proposed topics for Lincoln Lore". However, your July 1956 letter did not provide me with the leads or did your letter of recent date.

I will keep in touch with you in regard to my progress. I will also want to consult the newspapers about the trial and execution of Fraim.

I hope you are successful in your project concerning Lincoln and Pickett. After you exhaust your sources I will see what further help I can give you.

Thanking you for your very interesting and helpful letter.

Yours sincerely,

R. Gerald McMurtry

RCM:hw

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**SPOKANE AND EASTERN**  
BRANCH OF SEATTLE - FIRST NATIONAL BANK  
SPOKANE ID, WASHINGTON



JOEL E. FERRIS  
CHAIRMAN

September 15, 1958

Mr. R. Gerald McMurtry  
The Lincoln National Life Foundation  
Fort Wayne, Indiana

Dear Mr. McMurtry:

Thank you for your letter of September 12. I am glad you are following up on the story of the "Fraim" Case in Hancock County, Carthage, Illinois. I hope your letter to the County Clerk will bring the necessary results. But if it does not, I would suggest that you write to Mr. Franklin Hartzell, in care of Williams and Hartzell, attorneys, Carthage. Franklin is my great nephew and one of the leading younger lawyers, and I think should be able to get information from the Clerk's Office and be of help to you.

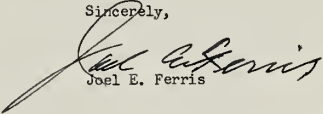
I am not sure that there was a newspaper published in Hancock County in 1839 although possibly there was one published at Warsaw if not in Carthage. There was probably a paper published in Quincy, Illinois, the County Seat of Adams County adjoining Hancock County.

With reference to the subject of Lincoln and Pickett, reference is made to Lincoln's advice to Pickett as a young man studying law in Quincy in Sandburg's life of Lincoln. If you run across any reference or anything in connection with Pickett and Lincoln, I will be glad to know of it.

It is a pleasure to correspond with you.

Sincerely,

JEF:NP

  
Joel E. Ferris

⑦

LAW OFFICES OF  
**WILLIAMS & HARTZELL**  
WILLIAMS BUILDING  
CARTHAGE, ILLINOIS

HOMER H. WILLIAMS  
FRANKLIN M. HARTZELL

TELEPHONE 98

September 18, 1958

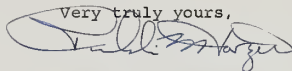
Mr. R. Gerald McMurtry  
The Lincoln National Life Foundation  
Fort Wayne, Indiana

Dear Mr. McMurtry:

My uncle, Mr. Joel E. Ferris of  
Spokane, Washington, has sent to me a copy  
of a letter which he wrote to you under date  
of September 15, 1958.

In the letter my uncle, Joel Ferris had  
written to you, he suggested that you write to  
the County Clerk. The proper officer who has  
the files in connection with the case is the  
Circuit Clerk.

If there is any way I may be of assistance  
to you in obtaining any materials concerning  
the "Fraim" case in Hancock County, please advise  
me.

Very truly yours,  


Franklin M. Hartzell

FMH:db

September 22, 1958

Mr. Joel E. Ferris  
Spokane and Eastern  
Branch of Seattle  
First National Bank  
Spokane 10, Washington

Dear Mr. Ferris:

I am becoming very much interested in the "Fram" murder case which occurred in Hancock County. Today I received from Mr. E. J. Piggott the Circuit Court Clerk of Carthage, Illinois a photostat of the indictment for murder namely: William Fram vs The People. I have read this indictment with a good deal of interest and note the so called Lincoln objections to the erroneous way in which the indictment was brought forth. In studying the document I am a little puzzled by the hand writing. It does not appear to be in Lincoln's hand and neither does the signature appear to be that of Lincoln's. However before I make a final judgment regarding this indictment I expect to show the photostat to several people who perhaps will be able to give me an opinion regarding the hand writing on the document.

I want to thank you for giving me the name of Mr. Franklin Hartzell of the Firm of Williams and Hartzell, Attorneys at Carthage, Illinois. If I need some further help in working through the Court Records I will certainly want to call on Mr. Hartzell. Likewise I want to thank you for the information you have given me concerning the early newspapers in Hancock County and the one published at Warsaw. Likewise I am glad to have your suggestion that an account of the order may have been printed in the Quincy, Illinois papers.

I will keep you in mind regarding any information I may discover concerning Lincoln and Pickett.

Yours sincerely,

RMChurtry:maj

Director

September 22, 1958

Mr. Franklin M. Hartzell  
Williams Building  
Carthage, Illinois

Dear Mr. Hartzell:

I have your letter of September 18 and I want to thank you for your offer of help in connection with my research regarding the Frain murder case.

Last week I received from Mr. E. J. Piggott the Circuit Clerk of Carthage, Illinois a photostat of the case "William Frain vs the People". I have read this photostat and I find it quite interesting. I have been examining carefully the handwriting and I am a little fearful that the document is not in Lincoln's hand. However I am not too much concerned with this because I feel sure that Lincoln did play an active role in the unsuccessful defense of Frain.

I suppose that there is only one document in existence regarding this murder case. It was my hope that there might be more material regarding this murder case.

I can assure you that any additional material regarding the conviction of William Frain would be most welcome.

Yours sincerely,

RCMcMurtry:pj

Director

LAW OFFICES OF  
WILLIAMS & HARTZELL  
WILLIAMS BUILDING  
CARTHAGE, ILLINOIS

HOMER H. WILLIAMS  
FRANKLIN M. HARTZELL

TELEPHONE 98

September 24, 1958

Mr. R. Gerald McMurtry  
Director  
Lincoln National Life Foundation  
Fort Wayne, Indiana

Dear Mr. McMurtry:

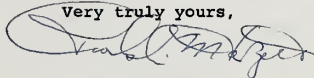
After receiving your letter of September 22, I went to the Court House and found the remaining papers in the Fraim Case other than the one which Mr. Piggott had sent you a photostatic copy of. None of them contained any purported signature of Lincoln nor do they mention Lincoln. I also found the Judge's docket entries made during the case and am having photostatic copies made to send to you. In addition, I shall look in the Gregg History of Hancock County which was published in 1880 and the Scofield History of Hancock County which was published in 1921 for further information concerning the case. The latter work was written by a former Circuit Judge and is considered an authoritative work with respect to the history of Hancock County.

If you would wish photostatic copies of the motion for change of venue, indictment and other papers in this matter, I shall have photostats of them made and forward them to you.

I was interested at the fact that you did not feel that it was the handwriting of Lincoln. Dr. Harry Pratt who was formerly secretary of the Illinois Historical Society and who is now deceased, arrived at the same conclusion.

I shall send the other papers along to you shortly.

Very truly yours,



Franklin M. Hartzell

FMH:db

September 26, 1958

Mr. Franklin M. Hartzell  
Williams Building  
Carthage, Illinois

Dear Mr. Hartzell:

You are indeed most helpful in my plan to gather material on the Frain murder case. There is no doubt about Lincoln's connection with the case and I believe through the pages of Lincoln Lore I can make a real contribution to the study of Lincoln the lawyer.

I am delighted that you are having photostats made of the remaining papers of the Frain case. I will also want photostatic copies of the motion for change of venue, indictment and other papers in regard to this matter.

I appreciate your interest and I am glad that you are going to do some research in Gregg's "History of Hancock County" and Scofield's "History of Hancock County". I have learned from experience that even the most minute details sometimes yields wonderful results in an historian's effort to develop an article.

I do not feel that Lincoln's connection with the Frain case is in any way altered by the fact that the principal document is not in his handwriting.

Again I want to thank you for your help and cooperation.

Yours sincerely,

R. Gerald McMurtry

RGM:hw

LAW OFFICES OF  
**WILLIAMS & HARTZELL**  
WILLIAMS BUILDING  
CARTHAGE, ILLINOIS

HOMER H. WILLIAMS  
FRANKLIN M. HARTZELL

TELEPHONE 98

October 1, 1958

Mr. R. Gerald McMurtry  
Director  
The Lincoln National Life Foundation  
Fort Wayne, Indiana

Dear Mr. McMurtry:

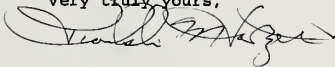
Enclosed find photostatic copy of the following items in the case of the People VS. Fraim in the Circuit Court of Hancock County, Illinois:

1. Each of the entries of the Trial Judge in the docket in the matter of this case.
2. Indictment.
3. Petition for change of venue.
4. Order on change of venue.
5. Order for trial.
6. Plea of Defendant.
7. Notice of application for change of venue.
8. Verdict of the Jury.

As yet I have not had the opportunity to have copies made of the Scofield History material and the Gregg History material. The material in the Scofield History is quite lengthy and I believe it would be best to have it photographed.

I shall get those and get them to you at the earliest possible time.

Very truly yours,



Franklin M. Hartzell

FMH:db

Enc.

*ack*  
10/27/58

LAW OFFICES OF  
**WILLIAMS & HARTZELL**  
WILLIAMS BUILDING  
CARTHAGE, ILLINOIS

HOMER H. WILLIAMS  
FRANKLIN M. HARTZELL

TELEPHONE 98

October 22, 1958

Mr. R. Gerald McMurtry  
Director  
The Lincoln National Life Foundation  
Fort Wayne, Indiana

Dear Mr. McMurtry:

Enclosed find photostatic copies of pages 761, 762, 763, 764, 765, and 766 Historical Encyclopedia of Illinois and History of Hancock County, Volume 2 edited by Charles J. Scofield and published by Munsel Publishing Company, Chicago, in 1921.

The Gregg History contains only a short statement of the Fraim Case and adds nothing to the material which is in the original files and in the Scofield History.

You might be interested in knowing that the second death sentence was pronounced by the Circuit Court of Hancock County in the fall of 1956. This man has not yet been executed and therefore Fraim stands as the only man sentenced to death by our Circuit Court where the sentence has actually been carried out.

I was interested in knowing that you had been to the Lincoln-Douglas centennial in Galesburg, Illinois. I had intended to go but became involved in a matter which did not permit me to be away.

Should you have an article in the spring, 1959, issue of Lincoln Lore I would be pleased to read a copy of it.

Lincoln had a rather extensive law practice in Schuyler County which adjoins our county on the southeast. It may be that you would find further information concerning Lincoln's activities in that county. If you would wish any information concerning the activities of Lincoln in Schuyler County, please write to Judge Ernest Harper Utter, Rushville, Illinois. Judge

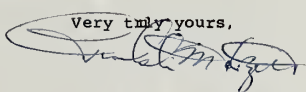
Mr. R. Gerald McMurtry  
October 22, 1958  
Page 2

Utter and I attended law school together and I shall be seeing him on this next Thursday and will ask him to do what he can for you in connection with any court files in Schuyler County.

The photostating of the Fraim material and the Scofield History amounted to \$18.00. Would you please make your check payable to Edwin J. Piggott, Recorder. If I may be of further assistance to you in any way, please feel free to contact me.

With my kindest regards, I am

Very truly yours,



Franklin M. Hartzell

FMH:db

Enc.

*utter*  
*10/27/58*



# Lincoln Lore

Bulletin of The Lincoln National Life Foundation . . . Dr. R. Gerald McMurtry, Editor  
Published each month by The Lincoln National Life Insurance Company, Fort Wayne, Indiana

Number 1459

FORT WAYNE, INDIANA

September, 1959

## "THE ONLY MURDERER, DEFENDED BY LINCOLN, WHO WAS HANGED FOR HIS CRIME"

William Frain

vs

The people of Illinois

Indictment for murder

On Sunday, April 21, 1839 Abraham Lincoln probably traveled all day, from Springfield to Carthage, a distance of 115 miles to attend the opening of the Hancock Circuit Court the next morning.

Lincoln was to act as an attorney for one William (Fielding) Frain, a day laborer on the steamboat *Hero* which plied the Illinois River. Frain a twenty year old, red-headed Irishman had murdered a fellow laborer, William Neathhammer, in a drunken brawl, on February 17, 1838, at Frederick in Schuyler County.

An indictment against William Frain for murder was returned by the grand jury at the June term, 1838, of the Circuit Court of Schuyler County. The indictment stated that the defendant: "Not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil," on February 17, 1838, assaulted William Neathhammer with a knife which he struck and thrust into the left side of the breast, the wound being a mortal wound from which the assaulted man instantly died.

The indictment was signed, "H. L. Bryant, States' Attorney" and it bears an endorsement as follows: "Filed June 6, 1838, Robert A. Glenn, Clk." The indictment is endorsed, "a true bill, Peter N. Holme, foreman of the grand jury." The indictment also bears the name of six witnesses.

A number of papers relating to this case *People vs Frain* are found in the files of the Circuit Court of Hancock County, Illinois. They follow:

1. Each of the entries of the Trial Judge in the docket in the matter of the case.
2. Indictment.
3. Notice of application for a change of venue.
4. Petition for change of venue.
5. Order of change of venue.
6. Order for trial.
7. Plea of defendant.
8. Lincoln's motion for arrest of judgment.
9. Verdict of the jury.

Some of the papers filed in this case purporting to be signed by the defendant are signed by his mark (William his X mark Frain) indicating that he was unable to write his name. However, one document (No. 7, Plea of defendant) bears the signature of Fielding Frame. It follows: "Fielding Frame who is indicted herein, by the name of William Frain, being in custody defends and says that he is not guilty of murder in manner and form as charged in said indictment and of this he puts himself upon the country (Signature)." There is every reason to believe that the defendant's given name was "Fielding." The question of the surname is likewise complicated as the defendant signed it "Frame", yet made mark on two signatures spelled "Frain."

As early as November 7, 1838 T. Lyle Dickey, attorney of Rushville (later a well known judge of Ottawa) ad-

dressed a notice of application for a change of venue to H. S. Bryant the prosecuting attorney of the Schuyler Circuit Court: "Sir, Take notice that upon the calling of the case of 'The people of the State of Illinois vs William Frame' on an indictment for murder, The defendant will apply for a change of venue on account of the prejudice of the minds of the inhabitants of Schuyler County so that he cannot have a fair trial."

In the petition for a change of venue it was also stated "that great pains have been taken to prejudice the minds of the inhabitants of the counties of Cass, Fulton and McDonough against your petitioner and that they are prejudiced against him. He therefore prays that a change of venue may be awarded to some county where the cause complained of does not exist that he may be enabled to have a fair and impartial trial." To this document the defendant made his mark on the two signatures mentioned above.

The change of venue was granted (June 7, 1838) from the County of Schuyler to the County of Hancock, and the trial was to be held at the courthouse in Carthage on the fourth Monday in the month of April, next. This was the day Lincoln was scheduled to arrive in Carthage to assist Dickey in the defense of Frain.

The counsel for Frain tendered a written plea of not guilty which the court ordered to be filed. The defendant's next move was to ask, through his counsel, leave of the court to withdraw the oral plea. This request was refused. Next the defendant objected to going to trial until the prosecution should in some manner reply to his written plea, but the objection was overruled and it was ordered that the prisoner should go to trial and a jury was to be called for that purpose, to which opinion and decision the defendant, excepted.

The trial was a brief one. As the defendant was unknown it occasioned little excitement. The Hon. James H. Ralston was the judge who presided at the trial. The record indicated that the defendant had already pleaded not guilty, answering when the indictment was read to him "that he was not guilty and wanted a fair trial and a just one."

Subpoenas were issued for the following witnesses for the defendant: David Martin, Edward Buckley, Mary Miller and John Allen. David Martin was served with a subpoena, but the others were not. Those witnesses testifying for the prosecution were John Peter Fey and Christian Langner.

In 1839 the old common law of England prevailed whereby a defendant in a murder case was not permitted to testify in his own behalf. Likewise, the jury had nothing to do with the punishment to be inflicted under a verdict of guilty of murder. The law prescribed capital punishment in every case, and the judgment of the court upon a verdict of guilty determined the time and place of execution.

The jury consisted of the following twelve men: John C. Kimbrough, Joseph Lomberger, John Hockens, Daniel H. Wells, Andrew B. Welch, James Welch, Nathan Mason, Moses Stevens, John D. Mellen, James M. Renshaw, Alfred Mead and David Brank.

The jury's verdict was: "We the jury, find the defendant guilty of murder as charged in the indictment." The original verdict is extant. The paper on which the verdict is written is marked "verdict." The verdict is not signed or marked "filed." Of course signing was not necessary if the verdict was proclaimed in open court. Filing was not necessary if the court records show that the verdict was rendered by the jury. What part did Lincoln play in this murder trial? It is at this point in the court proceedings, and here only, that the name of the future sixteenth president appears. Lincoln's name appears in a motion in arrest of judgment. The name "Lincoln p. d.," indicates that Lincoln is pro (or for) the defendant. The motion in arrest of judgment was filed April 25, 1859. The motion follows:

William Frain  
ads  
The people

Indictment  
for  
murder

And the said Deft. comes and moves the court in arrest of judgment in this case for the following reasons, to wit:

1. The record in this cause does not sufficiently show that an indictment was found by a grand jury of the country against the Defendant Frain.
2. The record in this cause does not show that a grand jury was empanelled (an authorized spelling) at the Term of the Court at which the indictment purports to have been found.
3. There is no sufficient record in this cause to authorize the court to try the Deft. and pronounce judgment upon him.
4. The record from the Schuyler circuit court is defectively and imperfectly certified.
5. The said record is otherwise informal, erroneous and insufficient.
6. The indictment is bad in this, that it does not show, with sufficient certainty, in the conclusion, whether the Deft. was the murderer, or the murdered man.
7. The indictment is bad, in the conclusion, in not

showing that the murder was committed in the manner and by the means before stated in the indictment.

8. The said indictment is otherwise informal and insufficient.

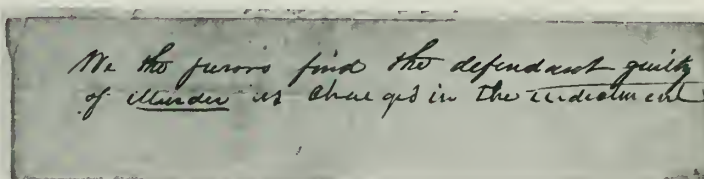
(probably Lincoln's handwriting)  
For all which said reasons the said Deft. moves the court in arrest of judgment herein.

Lincoln p. d.  
Charles J. Scofield in his Historical Encyclopedia of Illinois and History of Hancock County, Volume 2, Munsell Publishing Company, Chicago, Illinois, 1921, makes an appraisal of this motion in arrest of judgment: "as clear in statement, correct in orthography and composition and shows Mr. Lincoln, who was thirty years of age at the time, to have been well qualified for the preparation of such legal documents."

This document which was once believed to be written entirely in Lincoln's hand, along with other papers relating to the Frain case, were taken from the courthouse in Hancock County and were acquired by a collector in Spokane, Washington. They were afterwards returned to the files to the Circuit Clerk's office in Carthage.

The judge's docket states that the jury found the defendant guilty as charged in the indictment and "thereupon the said Defendant by his attorneys moves for an arrest of judgment on the verdict which judgment is postponed until said motion is disposed of." The judge ordered that "court adjourn till 9 o'clock tomorrow morning."

Judge Ralston, the next day, overruled the "arrest of judgment" and sentenced the defendant to be hanged. This action which was taken on Thursday, April 25, 1859 is as follows: "This day the prisoner William Frain was again led to the bar in custody of the corner, and the motion made on yesterday in arrest of judgment being fully argued, and upon due consideration it is ordered by the court that the said motion in arrest of judgment be overruled. And it being demanded of the prisoner by the court what he had or knew to urge in this behalf why judgment should not now be pronounced against him, and the said defendant having nothing to urge, except what had been before urged in this behalf: It is therefore considered by the court that the said William Frain be hanged by the neck till he be dead. It is further



From the Hancock County Court, File No. 7, Carthage, Illinois  
The verdict of the jury in the criminal court case William Frain v The people of Illinois.

## MT. RUSHMORE MEMORIAL STAMP

3c Blue Green—Issue of 1952



Scott No. 1011

It was dedicated as the world's greatest sculptured work on September 17, 1927. The stamp was placed on sale at Keystone, South Dakota, on August 1, 1952.

The stamp is 0.84 x 1.44 inches in dimensions. It was engraved by Matthew D. Fenton, and was based on a photograph from the Black Hills Studio, a photograph from the State Highway Department and a postcard view published by a firm in Rapid City, S. D. In addition to the sculptured heads of the four presidents there are figures of a woman and child, in the lower right-hand corner of the stamp, viewing the scene.

The stamp is arranged vertically with a single outline frame and was printed by the rotary process in green, electrically-eye perforated, and issued in sheets of 50. At the top of the stamp is the wording "U. S. Postage 3c." In the lower right portion of the stamp is a sign-board bearing five lines of wording, "Mount Rushmore National Memorial 1927-1952." In the lower left corner of the stamp appears two lines of wording "Black Hills South Dakota." The lettering is in modified Gothic.

W. Lee Ferris: "Abraham Lincoln On Our Stamps," *The American Philatelist*, February, 1952; United States Post Office Department; Postage Stamps of the United States, 1955; Scott's Standard Postage Stamp Catalogue, 1955.

## Political Logic

"A celebrated Douglas orator and 'Missouri Republican' representative of this county, in a speech lately, asserted that 'Lincoln was an Abolitionist,' and proved it in the following manner: In one of his speeches Mr. Lincoln said, 'I was a Whig.' Now he did not say 'I was an anti-slavery Whig,' but said 'I was a Whig,' and we know that he was not a democrat and therefore he is an Abolitionist (cheers by two). Clear as mud, now this is a specimen of the Douglas mode of proving Lincoln an Abolitionist and a fair sample of the logic of their doctrine."

*The Menard Index,*  
Petersburg, Illinois,  
August 9, 1860.

6- The Indictment is bad in this, that it does not show with sufficient certainty, in the conclusion, whether the Deft. was the murderer, or the murdered man.  
7- The Indictment is bad in the conclusion, in not showing that the murder was committed in the manner, and by the means before stated in the indictment.  
8- The said indictment is otherwise informal and insufficient.  
For all which said reasons the said Deft. moves the Court in arrest of judgment herein.

From the Hancock County Court, File No. 7, Carthage, Illinois  
A portion of Lincoln's motion for arrest of judgment revealing that the original document appears in the handwriting of two people. The last two lines and the signature could possibly be that of the thirty year old Lincoln.

While Lincoln was the 16th president, Hannibal Hamlin, who was elected with him for the first term, was only the 15th vice president.

DR. RICHARD D. MUDD  
1001 HOYT STREET  
SAGINAW, MICHIGAN

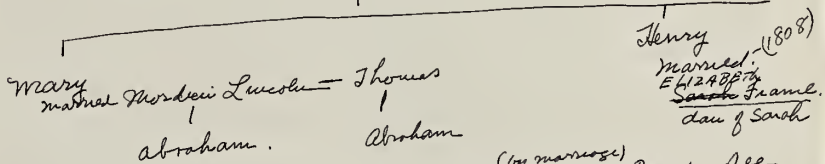
9/18/59.

Dear Dr Mc Murtry:

I enjoyed reading, in  
Lincoln Lore # 1459, the story of William  
Frame. I thought I would send you for  
the file a little hint that Abraham  
Lincoln might have had more personal  
interest in the "Frame" case than ~~the~~ might  
appear.

Note the following chart.

Luke Mudd. <sup>2</sup> (of Thos<sup>3</sup> Henry<sup>2</sup> Thos<sup>1</sup>).



Pres Abraham Lincoln's aunt<sup>n</sup> as you can see  
above was Mary Mudd & her brother  
married <sup>ELIZABETH</sup> Sarah Frame. It is possible  
therefore that someone of Mary Mudd Lincoln  
or <sup>the</sup> Henry Mudd (her brother) family solicited  
Abraham Lincoln's help in this apparently  
hopeless case. We know that <sup>Elizabeth</sup> Sarah  
Frame's mother was Sarah Frame but we

Know nothing else about this Frame  
family. William Fraim (Frame) could have  
been a nephew of Elizabeth Frame wife  
of Henry Mudd. I note that no fee  
was paid to Lincoln, tho this in itself  
was not unusual.

Someone may have future  
interest in this possible relationship.

Kindest regards

Richard S. Mudd

Please excuse mistake.  
I am about to leave for  
10 days and am sending this  
on hurriedly. RSM

September 28, 1959

Dr. Richard D. Mudd  
1001 Hoyt Street  
Saginaw, Michigan

Dear Dr. Mudd:

I wish to acknowledge with thanks your letter of September 18 addressed to Dr. R. Gerald McMurtry.

As noted in the enclosure, Dr. McMurtry is at present out of the office on a trip to the Far East and will not return until mid December.

I know he will be pleased to hear from you and to learn of the additional material relative to the William Fraim story which you have presented.

Upon his return I will bring your letter to his attention. Again thanking you for your letter I remain

Sincerely yours,

MH:mlf

(Miss) Margaret Moellering

